



**AUSTRALIAN LITTLE HORSE &  
MINIATURE BREEDS ASSOCIATION Inc**

**Constitution Of**  
***AUSTRALIAN LITTLE HORSE***  
***& MINIATURE BREEDS ASSOCIATION Inc***  
**First Edition 2004**



MEMBERS HANDBOOK OF ASSOCIATION RULES  
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AUSTRALIAN LITTLE HORSE & MINIATURE BREEDS ASSOCIATION INC.



# **AUSTRALIAN LITTLE HORSE & MINIATURE BREEDS ASSOCIATION Inc**

## **Constitution of the Australian Little Horse & Miniature Breeds Association Inc**

**The name of the Society is the Australian Little Horse & Miniature Breeds Association Inc.**

The Society is a Society of Little Horse Miniature Horse and Miniature Pony owners and breeders with the aim to promote, improve and standardize the Little Horse & Miniature Breeds.

### **Aims and Objectives:-**

- (a) to promote the breed known as Little Horse & Miniature Breeds;
- (b) to form a Society of owners and breeders of Miniature Equine breeds in Australia and to promote the interests of the Australian Little Horse & Miniature Breeds to the general public awareness;
- (c) to co-operate with and form a friendly liaison with all known registered Miniature Horse & Pony Societies with the view to maximizing the opportunity to promote the breeds collectively in shows conducted by the Society and generate interest in one or any of the known Miniature Equine Breed Societies in Australia;
- (d) to approach Agricultural Show Societies to conduct both Miniature Horse & Pony classes collectively and equally for members to exhibit their stock;
- (e) to do all such lawful activities which are conducive to the promotion of the Australian Little Horse & Miniature Breeds Association Inc;
- (f) to encourage and foster at all time a friendly spirit of co-operation and fellowship and good sportsmanship between members of the Society;
- (g) to protect the best interest of the Australian Little Horse & Miniature Breeds Association Inc and giving prospective new members and breeders of the Society encouragement to breed correctly to the Standard of Excellence and corrective information and appropriate breeding methods to achieve the true development of the breeds;
- (h) to publish and distribute literature that the Society considers to be beneficial for the promotion of the Society and considered desirable information for the public and new members towards better understanding of the breeds;
- (i) to publish a Society magazine for the members and keep them informed of the activities of the Society and also advise members of Stallion and Stud Directory so members may have the opportunity to promote their studs;
- (j) to encourage a friendly sporting and competitive spirit among members and breeders of other Miniature Equine Breeds in Australia at any of the Society's conducted show activities or competitions. To conduct Stud Auction Sales with honesty and integrity to maintain the good name of the Society;
- (k) to hold organized activities to promote the Society whilst educating members understanding of performance and showing of the Society;
- (l) the Society known as the Australian Little Horse & Miniature Breeds Association Inc operates and maintains a Registry Section for the recording of the history and breeding of the Society consisting of categories A, B, C & D as follows:
  - Section A - miniature horses 34" or 8.2 ¼ hands and under.
  - Section A - miniature ponies 34" and 8.2 ¼ hands and under.
  - Section B - little horse over 8.2 ¼ hands and not exceeding 9.2 hands.
  - Section B - little ponies over 8.2 ¼ hands and not exceeding 9.2 hands.
  - Section C - little horse over 9.2 hands and not exceeding 10.2 hands.
  - Section D - little horse over 10.2 hands and not exceeding 11.2 hands.
  - Breeding Stock Appendix section – mares and stallions over 10.2 hands or do not qualify for horse type classification and not exceeding 12 hands;
- (m) the breeds to be recorded in the Registry of the Society and shall be known as the "Australian Little Horse & Miniature Breeds";
- (n) to maintain permanent records of the breeding history of the breeds known as Australian Little Horse & Miniature Breeds;
- (o) to issue certificates of registration pertaining to Foal recordings, Adult registrations, Breeding stock recordings and Gelding registrations;
- (p) to transfer registered stock sold by a financial member to another financial member or stock sold to financial member registered with another society;
- (q) to publish from time to time a Stud Book from the registry recording the history of the breeds; and
- (r) to accept as a gift legacy of monies or equipment and to invest monies of the Society in such a manner beneficial towards the Society.



# **AUSTRALIAN LITTLE HORSE & MINIATURE BREEDS ASSOCIATION Inc**

## **1. INTERPRETATION**

1.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires.....

**“THE ACT”** means – The Society’s Incorporation Act. 1984.

**“ANNUAL GENERAL MEETING”** means – The meeting as defined in rules 22 and 23 and held as soon as practicable after the 1<sup>st</sup> of July each year.

**“AUDITOR”** means – The Auditor appointed by the Annual General Meeting.

**“THE COMMITTEE”** means – The Committee of Office Bearers defined in rule 12 and may be referred to as the Management Committee.

**“CONSTITUTION”** means – The Society’s rules comprising the Model Rules as set out herein and amendments to the Model Rules approved by the Society from time to time.

**“EDITOR”** means – The Office Bearer elected at the Annual General meeting to collect, edit and prepare for publication and distribution of the Society’s magazine to members consisting items of interest and information as well as other items to be printed in the Society’s literature and report each such matters of concern to the Editor regarding submissions for publication to the Management Committee. The Editor uses their discretion in what the publication contains and the format of the magazine providing it does not conflict with the interests of the Society. Any arising problems concerning acceptance submissions to the magazine must be presented to the next available committee meeting.

**“FINANCIAL MEMBER”** means – A member of the Society who shall not be in default for more than three (3) months in payment of the annual membership subscription or any monies owed by him/her to the Society in accordance with the Rules and Regulations of the Society.

**“FINANCIAL YEAR”** means – In relation to the Society the period of 12 months commencing on the 1<sup>st</sup> June each year and expiring on the 31<sup>st</sup> May the following year. This period when all annual membership subscriptions become due and payable from the 1<sup>st</sup> June annually.

**“OFFICE BEARERS”** means – Chairman (President), Vice Chairman (Vice President), Secretary, Treasurer and Registrar.

**“ORDINARY MEMBER”** means – A member of the Committee who is not an Officer Bearer of the Society referred in Rule 13.2.

**“PATRON”** means – The person invited by the Management Committee to be the Patron of the Society or a “Patron Position” and maybe purchased for a fee determined by the Management Committee.

**“REGIONAL PROMOTION GROUP”** means – A group that is formed in each State or where country areas may be required and is authorized to promote the interests of the Society by an instrument in writing issued by the Management Committee in accordance with Rule 20 annually. The groups are obligated to submit Treasurer statements and copies of minutes of meetings conducted by the groups to the Management Committee.

The Regional Promotional Group (RPG) should conduct Annual General Meeting to be held at least one (1) month before the Management Committee’s A.G.M. or else they may submit a compulsory annual Financial Statement to the Management Committee. The quorum of the R.P.G. maybe a minimum of three (3) members if it is necessary according to the area.

**“REGISTRAR”** means – The member elected at the Annual General Meeting of the Society to maintain and records of Foal recordings, Adult registration, transfer of sales, deaths and cancellations of re-registrations of animals recorded and Breeding stock recordings. The Registrar shall have competent control of the Registry section and if need arises shall report such matters of concern in the Registry to the next available Committee Meeting regarding applications for such registrations.

**“REGULATION”** means – The Society Incorporation Regulation 1985.



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**“BY-LAWS”** means – The rules and regulations that govern the Society which are approved or amended by the Society from time to time and are amended to Model Rules.

**“RETURNING OFFICER”** means – A person or persons outside the Society who are appointed by the Management Committee to receive and count all postal ballots for a General, Special General and Annual General Meeting of the Society and report all results of such ballots to the relevant meeting.

**“PRESIDENT” (Chair person)** means – The member elected at the Annual General Meeting to preside over the meetings and in the event of his/her absence the Vice President (Vice Chair person) shall preside or one of the other members of the Committee nominated to do so.

**“SECRETARY”** means –

- (a) The member holding office under these rules as Secretary of the Society.
- (b) Where no such person holds that office – The Public Officer of the Society.
- (c) The Secretary shall record all financial members information and receive all correspondence, log in and out correspondence to the Society. Correspondence will be forwarded to the appropriate Office Bearer after being logged in.

**“SPECIAL GENERAL MEETING”** means – A General meeting of the Society other than the Annual General Meeting as described in Rule 24.

**“WRITING”** means – Printing, typing, faxing, emails, Society’s letterhead, signatures and or any other recognized means of communication.

- 1.2 In these Rule –
  - (a) a reference to a function includes where the function is a duty – a reference to the performance of duty; and
  - (b) a reference to the exercise of a function includes where the function is a duty – a reference to the performance of that duty.
- 1.3 The provision of the interpretation Act 1897 apply to and in respect of these rules in the same manner as those provisions would apply if these rules were an instrument made under the Act.

## **2. MEMBERSHIP**

- 2.1 Person is qualified to be a member of the Society if, but only if –
  - (a) The person/s referred to in 15.1 (a), (b) or (c) of the Act and has not ceased to be a member of the Society at any time after Incorporation of the Society under the Act; or
  - (b) The person is a natural person who –
    - (i) has been nominated for membership with the Society as proved by Rule 3; and
    - (ii) has been approved for membership of the Society by the Committee of Management.
- 2.2 The Society provides for a Junior Membership – a Junior Membership must be under 18 years of age without the power to vote and Membership Fee to be determined by the Management Committee.
- 2.3 The Society provides for an Associate Membership – an Associate member is a person 18 years of age and over without the power to vote and Membership Fee to be determined by the Management Committee.
- 2.4 The Society provides for a Family Membership – a Family Membership consists of two (2) Adults 18 years and over and up to five (5) children and under 18 years of age. Voting privileges to the Adult members only each and Membership Fee to be determined by the Management Committee.
- 2.5 The Society provides for a Stud Membership – consisting of up to three (3) exhibitors in the show ring, only one voting privilege and only one signatory on all registration applications and Membership Fee to be determined by the Management Committee.
- 2.6 The Society provides for a Single Membership – a Single Membership is a person 18 years of age and over with and has one voting right and Membership Fee to be determined by the Management Committee.



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- 2.7 The Society provides for a Pension Membership – a Pensioner Membership can be of any age but must produce relevant documentation of proof of being a Pensioner. Pension has the power of one vote only if 18 years of age and over and Membership fee to be determined by the Management Committee.
- 2.8 The Society provides a Life Membership –
- may be bought by a person for a fee determined by the Management Committee and entitled to vote.
  - Life Membership maybe conferred upon any financial member who upon recommendation of two (2) financial members and in the opinion of the Management Committee has rendered special services to the Society for a considerable space of time and entitled to vote.
- 2.9 Patron –
- Patron position may be purchased for a fee to be determined by the Management Committee.
  - Patron position may be conferred upon a member of the public at the direction of the Management Committee.
  - The Committee of Management may determine the number of Patron positions to become available and Patron Membership has no voting privileges.

## **3.0 NOMINATION FOR MEMBER**

- 3.1 A nomination of a person/s for membership of the Society –
- shall be made by a person/s intending to become members of the Society in writing on the form set out in Appendix 1A of these Rules; and
  - shall be lodged with the Secretary of the Society.
- 3.2 As soon as is practicable after receiving a nomination for membership, the Secretary shall refer the nomination to the Committee which shall determine whether to approve or reject the nomination.
- 3.3 Where the Management Committee determines to approve for membership, the Secretary shall as soon as practicable after the determination to notify the nominee of that the approval and request the nominee to pay within the period of (28) twenty eight days after the receipt by the nominee of that notification the sum under these rules by members as an Annual Membership Fee.
- 3.4 The Secretary shall on payment by the nominee of the amount referred in Clause (3) within the period referred to in that Clause (3) enter the nominee's name into the register of members and upon the name being so entered, the nominee is deemed to be a financial member of the Society.
- 3.5 Where new members who apply for membership and pay all fees due for that membership after the 1<sup>st</sup> of April and before the 1<sup>st</sup> of June in that year will automatically be financial with the Society until the following June when membership fees become due and payable (15 months).
- 3.6 The Committee reserves the right to reject an application from a person who has had their membership disqualified by another horse or pony breed society or is deemed will not have the best interests of the Society or current members.

## **4. CESSATION OF MEMBERSHIP**

- 4.1 A person ceases to be a member of the Society if the person –
- dies;
  - resigns that membership;
  - is expelled from the Society;
  - fails to comply with the provisions of these rules;
  - conducts him/her self in a manner considered to be injurious or prejudicial to the character and interests of the Society; or
  - has membership fees in arrears for a period of three (3) months or more becoming due 1<sup>st</sup> June each year.

## **5. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

- 5.1 A right or obligation a person has by reason of being a member of the Society –
- is not capable of being transferred or transmitted to another person; and
  - terminates upon the cessation of the person's membership.



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## **6. RESIGNATION OF MEMBERSHIP**

- 6.1 A member of the Society is not entitled to resign that membership except in accordance with this rule.
- 6.2 A member of the Society who has paid all amounts payable by the member/s to the Society in respect of the member's membership may resign from membership of the Society by first giving notice in writing (being not less than one calendar month or not less than such other period determined by the Management Committee) in writing to the Secretary of the member's intention to resign and upon the expiration of the period of the notice, the member ceases to be a member.
- 6.3 Where a member of the Society ceases to be a member pursuant to Clause (2) and in every other case where a member ceases to hold a membership the Secretary shall make an appropriate entry into the register of members recording the date on which the member ceased to be a member.

## **7. REGISTER OF MEMBERS**

- 7.1 The Public Officer of the Society and or Secretary shall establish and maintain a Register of members of the Society, specifying the name, address and contact details of each person who is a member of the Society together with the date on which the person/s became a member.
- 7.2 The Register of members shall be kept at the principal place of Administration of the Society and shall be open for inspection free of charge by any member of the Society at any reasonable hour with prior notification.

## **8. FEES AND SUBSCRIPTIONS ETC**

- 8.1 A member of the Society shall upon admission to membership pay to the Society and Annual Membership Fee or where some other amount is determined by the Committee –
  - (a) except as provided by paragraph (b) before the 1<sup>st</sup> June in each calendar year; or
  - (b) where the members become a member on or after the 1<sup>st</sup> June in any calendar year upon becoming a member before the 1<sup>st</sup> of June in each succeeding calendar year.

## **9. MEMBERS LIABILITIES**

- 9.1 The liability of a member of the Society to contribute towards the payments of the debts and liabilities of the Society or the costs, charges and expenses of winding up the Society, is limited to the amount of Membership Fee and if unpaid by the member in respect of membership of the Society as required by Rule 8.
- 9.2 Disputes between members (in their capacity as members) of the Society and disputes between members of the Society are to be referred to the Community Justice Centre for mediation in accordance with the Community Justice Centre.

## **10. DISCIPLINING OF MEMBERS**

- 10.1 Where the Committee is of the opinion that a member of the Society –
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules;
  - (b) has persistently and willfully acted in a manner prejudicial to the interests of the Society or its current members;
  - (c) expel the member from the Society; or
  - (d) suspend the member from membership of the Society for a specified period.
- 10.2 A resolution of the Committee under Clause (1) is of no effect unless the Committee at a meeting held not earlier than fourteen (14) days and not later than twenty one (21) days after service on the member of a notice under Clause 3 confirms the resolution in accordance with this rule.
- 10.3 Where the Committee passes a resolution under Clause (1) the Secretary shall as soon as practicable cause a notice to be served on the member –



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- (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member they may do either or both of the following -
    - (i) attend and speak at the meeting;
    - (ii) submit to the Committee at or prior to the date of that meeting written representation relating to the resolution.
- 10.4 At a meeting of the Committee held as referred to in Clause (3) the Committee shall -
- (a) give to the member an opportunity to make oral representation;
  - (b) give due consideration to any written representation submitted to the Committee by the member at or prior to the meeting; and
  - (c) by resolution determine whether to revoke or confirm the resolution.
- 10.5 Where the Committee confirms a resolution under Clause (4) the Secretary shall within (7) seven days after the confirmation by notice in writing inform the member of the fact and of the member's right of appeal under Rule 11.
- 10.6 A resolution confirmed by the Committee under Clause (4) does not take effect –
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within the period; or
  - (b) where within that period the member exercises the right of appeal unless and until the Society confirms the resolution pursuant to Rule 11.4.

### **11. RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 11.1 A member may appeal in a General meeting against a resolution of the Committee which is confirmed under Rule 10.4 within (7) seven days after notice of the resolution is served on the member and by lodging with the Secretary a notice to the effect.
- 11.2 Upon receipt of a notice from a member under Clause (10), the Secretary shall notify the Committee which shall convene a General Meeting of the Society to be held within twentyone (21) days after the date on which the Secretary received the notice.
- 11.3 At a General Meeting of the Society convened under Clause (2) –
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee and the member shall be given the opportunity to state their respective cases orally or in writing or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 11.4 If at the General Meeting the Society passes a special resolution in favour of the confirmation of the resolution is then confirmed.

### **12. POWERS OF THE COMMITTEE ETC**

- 12.1 The Committee shall be called the Committee of Management of the Society and subject to the Act, Regulations, Rules and Resolutions passed by the Society in the General Meeting –
- (a) shall control and manage the affairs of the Society;
  - (b) shall exercise all such functions as may be exercised by a General Meeting of the members of the Society;
  - (c) has the power to perform all such Acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Society;
  - (d) in the event of a technicality causing dispute where the rules of the Society are silent, the Committee of Management's resolution will be binding on all members until clarification by special resolution.



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## **13. CONSITUTION AND MEMBERSHIP**

- 13.1 Subject in the case of the first member of the Committee to section 21 of the Act, the Committee shall consist of –
- (a) the Office Bearer's of the Society; and
  - (b) 4 ordinary Committee members (including the Magazine Editor position) as well as zone representatives.
- 13.2 The Office Bearer's of the Society shall be –
- (a) President (Chairperson);
  - (b) Vice President (Vice Chairperson);
  - (c) Secretary;
  - (d) Treasurer;
  - (e) Registrar.
- 13.3 Each member of the Committee shall, subject to these rules, hold office until the conclusion of Annual General Meeting, following the date of the member's election but is eligible for re-election.
- 13.4 In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Society to fill the vacancy and the member so appointed shall hold office subject to these rules until the conclusion of the next Annual General Meeting following that appointment.
- 13.5 Any Office Bearer of the Committee of Management position holder can stand for re-election to any position within the Society when ever nominations are called for and are correctly nominated and seconded by a financial member while being a financial members themselves.

## **14. ELECTION OF MEMBERS**

- 14.1 Nominations of candidates for election as Office Bearer's of the Society or as Ordinary members of Committee –
- (a) shall be made in writing, signed by (2) two members of the Society and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) shall be delivered to the Secretary of the Society not less than (25) twenty five days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 14.2 If insufficient further nominations are received to fill all vacancies on the Committee the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 14.3 If insufficient further nominations are received any vacant position remaining on the Committee shall be deemed to be a casual vacancy.
- 14.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons so nominated shall be deemed to be elected.
- 14.5 If the number of nominations received exceeds the number of vacancies to be filled a ballot shall be held.
- 14.6 The ballot for the election of Office Bearer's and Ordinary Committee members shall be conducted by a postal ballot prior to the Annual General Meeting and the results made known to the Annual General Meeting in such usual and proper manner in which the Committee may direct.
- 14.7 In the event of the Society forming promotional groups in other States, the election of the State Representatives shall be pursuant to sections 14.1 (a) and (b) above.
- 14.8 A candidate for the position of Management Committee may nominate for more than one position at the Annual General Meeting however, if successful may hold only one of the positions nominated for, unless there has been no other candidates nominating for that vacant position and only then the candidate in question may hold a second vacant position only if –
- (a) in the event of a vacant position being unfilled by nominations for the postal ballot, they may be called for from the floor of the Annual General Meeting and still remain unfilled;





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- (b) a candidate for position of Management shall not be a presiding Committee Member of another Miniature Breed Society.

## **15. SECRETARY**

- 15.1 The Secretary of the Society shall as soon as practicable after being appointed as Secretary shall lodge notice with the Society of his/her's address.
- 15.2 It is the duty of the Secretary to keep minutes of –
- all appointments of the Office Bearer's and members of the Committee;
  - the names of the Committee present at Committee meetings or General meetings; and
  - all proceedings of Committee and General meetings.
- 15.3 Minutes of the proceedings at a meeting shall be signed by the Chairperson of the meeting or the Chairperson of the next succeeding meeting.
- 15.4 Maintain complete records of all financial members (includes Stud Prefix, home address, postal address, phone number, email address, date of joining the Society and membership numbers).
- 15.5 All Society correspondence shall be received and recorded by the Secretary and then forwarded onto the relevant Office Bearer applicable.

## **16. TREASURER**

- 16.1 It is the Duty of the Treasurer of the Society to ensure that –
- all money due to the Society is collected and received and that all payments authorized by the Society are made; and
  - correct books and accounts are kept showing the financial affairs of the Society including full details of all receipts and expenditures connected with the activities of the Society;
  - the treasurer and or the Secretary are the only Office Bearer's permitted to write out receipts for monies received;
  - the Treasurer may move a restrainer a Committee decision for expenditure if the Treasurer feels the expense is unwarranted.

## **17. CASUAL VACANCIES**

- 17.1 For the purpose of these rules a casual vacancy in the Office of a member of the Committee occurs if the member –
- dies;
  - ceases to be a member of the Society;
  - becomes insolvent under administration within the meaning of the Companies (New South Wales) code;
  - resigns office by notice in writing given to the Secretary;
  - is removed from Office under Rule 18;
  - becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the Law relating to Mental Heath; or
  - is absent without apologies to the Committee from all meetings of the Committee held during a three (3) month period.

## **18. REMOVAL OF A MEMBER**

- 18.1 The Society in a General Meeting may make a resolution to remove any member of the Committee from the Office before the expiration of the member's term in Office and may by resolution appoint another person to hold Office until the expiration of the term of Office of that member so removed.
- 18.2 Where a member of the Committee to whom a proposed resolution referred to in Clause (1) relates and makes representation in writing to the Secretary or Chairperson (not exceeding a reasonable length) and request that the representation be notified to the members of the Society. The Secretary or the Chairperson may send a copy of the representation to each member of the Society or if they are not to be sent, the member is entitled to require that the representation be read out at the meeting at which the resolution is being considered.



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## **19. MEETINGS AND QUORUM**

- 19.1 The Committee shall meet at least three (3) times in each period of (12) twelve months at such a place and time the Committee determines.
- 19.2 Additional meetings of the Committee may be convened by the Chairperson or by any member of the Committee or by email or phone contact.
- 19.3 Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee at least forty eight (48) hours or such other period as may be unanimously agreed by the members of the Committee before the time appointed for the holding of the meeting.
- 19.4 Notice of a meeting given under Clause (3) shall specify the general nature of the business to be transacted at the meeting and no other business shall be transacted at the meeting which the Committee members present at the meeting unanimously agree to treat as urgent business.
- 19.5 Any (5) five members of the Committee constitutes a quorum for the transaction of the business of the meeting of the Committee.
- 19.6.1 No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, then the meeting stands adjourned to the same place at the same hour of the same day in the following week.
- 19.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, then the meeting shall be dissolved.
- 19.8 At a meeting of the Committee –
  - (a) the Chairperson or in the Chairpersons absence, the Vice Chairperson shall preside; or
  - (b) if the Chairperson and the Vice Chairperson are absent or unwilling to act, then one of the remaining members of the Committee as may be chosen by the members present at the meeting to preside

## **20. DELEGATION BY COMMITTEE TO SUB-COMMITTEE**

- 20.1 The Committee may be instrument in writing, delegate to one or more Sub-Committees (consisting of members of the Society as the Committee sees fit, and to exercise all such functions of the Committee as are specified in the instrument in writing other than –
  - (a) this power of delegation; and
  - (b) a function which is a duty imposed on the Committee by the Act or by any other Law.
- 20.2 A function, the exercise of which has been delegated to a Sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
- 20.3 A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as time or circumstances as may be specified in the instrument of delegation.
- 20.4 Notwithstanding any delegation under this rule the Committee may continue to exercise any function delegated.
- 20.5 Any Act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would if it had been done or suffered by the Committee.
- 20.6 The Committee may be instrument in writing, revoke wholly or in part any delegation under this rule.
- 20.7 A Sub-Committee may meet and adjourn as it thinks proper.



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## **21. VOTING AND DECISIONS**

- 21.1 Questions arising at a meeting of the Committee or of any Sub-Committee appointed by the Committee, shall be determined by a majority of the votes of members of the Committee or Sub-Committee.
- 21.2 Each member present at a meeting of the Committee or of any Sub-Committee appointed by the Committee (including the person chairing the meeting) is entitled to one vote, but in the event of equality in the votes on any question the person chairing the meeting may exercise a second casting vote.
- 21.3 Subject to Rule 19.5 the Committee may act notwithstanding any vacancy on the Committee.
- 21.4 Any act or thing done or suffered or purporting to have been done or suffered by the Committee, or by a Sub-Committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

## **22. GENERAL MEETINGS**

- 22.1 With the exception of the first Annual General Meeting of the Society, the Society shall at least once in each calendar year and within the period of (6) six months after the expiration of each financial year of the Society, convene an Annual General Meeting.
- 22.2 The Society shall hold its first Annual General meeting –
  - (a) within the period of (18) eighteen months after the Incorporation under the Act; and
  - (b) within the period of (6) six months after the expiration of the first financial year of the Society.
- 22.3 Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26 (3) of the Act.

## **23. ANNUAL GENERAL MEETING – CALLING OF AND BUSINESS AT –**

- 23.1 The Annual General Meeting of the Society shall be subject to the Act and Rule 22, be convened on such a date at such a time and place as the Committee sees fit.
- 23.2 In addition to any other business which may be transacted at an Annual General Meeting the business of an Annual General Meeting shall be to –
  - (a) confirm the minutes of the last proceeding Annual General Meeting and of any Special General meeting held since that meeting;
  - (b) receive from the Committee reports upon the activities of the Society during the last proceeding financial year;
  - (c) elect Office Bearer's of the Society and Ordinary Committee members; and
  - (d) receive and consider the Statement which is required to be submitted to the members pursuant to section 26 (6) of the Act.
- 23.3 An Annual General Meeting shall be specified as such in the notice convening it.

## **24. SPECIAL GENERAL MEETING – CALLING OF –**

- 24.1 The Committee may whenever it chooses convene a Special General Meeting of the Society.
- 24.2 The Committee shall on the requisition in writing of not less than (5%) percent of the total number of members, convene a Special General Meeting.
- 24.3 A requisition of members for a Special General Meeting –
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the members making the requisition;
  - (c) shall be lodged with the Secretary; and



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(d) may consist of several documents in similar form and each signed by one or more of the members making the requisition.

- 24.4 If the Committee fails to convene a Special General Meeting to be held within one (1) month after the date on which the requisition of members for the meeting is lodged with the Secretary, any one or more of the members who make the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
- 24.5 A Special General Meeting convened by a member or members as referred to in Clause (4) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee and any member who thereby incurs expenses is entitled to be reimbursed by the Society for any expenses incurred.

## **25. NOTICES**

- 25.1 Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Society, the Secretary shall at least (14) fourteen days before the date fixed for the holding of the General Meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the Register of the members, a notice specifying the place, the time, the date of the meeting and the nature of business proposed to be transacted at the meeting.
- 25.2 Where the nature of the business proposed to be dealt with requires a special resolution of the Society, the Secretary shall at least (28) twenty eight days before the date fixed for the holding of the General Meeting cause notice to be sent out to each member in the manner provided in Clause (1) the intention to propose the resolution as a special resolution.
- 25.3 No business other than what is specified in the notice convening a General Meeting shall be transacted at the meeting except in the case of an Annual General Meeting, with business that may be transacted pursuant to Rule 23.2.
- 25.4 A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary, who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the member.

## **26. PROCEDURE**

- 26.1 No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 26.2 Five members present in person (being members under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- 26.3 If within an hour of the appointed time for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the day in the following week at the same time and (unless another place is specified at the same time of the adjournment by the person chairing the meeting or communicated in written notice to members given before the day to which the meeting is adjourned) at the same place.
- 26.4 If at the adjourned meeting a quorum is not present within an hour after the time appointed for the commencement of the meeting, the members present (not less than (5) five) shall constitute a quorum.

## **27. PRESIDING MEMBER**

- 27.1 The Chairperson or in the absence of the Chairperson, the Vice Chairperson shall preside at the General Meeting of the Society.
- 27.2 If the Chairperson and the Vice Chairperson are absent from a General Meeting or unwilling to act, the members present may elect one of their number to preside as Chairperson at the meeting.



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- 27.3 The Chairperson of the Management Committee is an Ex-officio member of all Sub-Promotional Group Committees in the Society, and has the authority to chair the meeting conducted by the Regional Promotional Groups.

## **28. ADJOURNMENT**

- 28.1 The Chairperson of a General Meeting at which a quorum is present may with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place but no business shall be transacted at an adjourned meeting other than the business left at the meeting at which the adjournment took place.
- 28.2 Where a General Meeting is adjourned for (14) fourteen days or more the Secretary shall give written or oral notice of the adjourned meeting to each member of the Society stating the place date and time of the meeting and the nature of the business to be transacted at the meeting.
- 28.3 Except as provided in Clause (1) and (2) notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **29. MAKING OF DECISIONS**

- 29.1 A question arising at a General Meeting of the Society shall be determined on a show of hands and unless before or on the declaration of the show of hands poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Society is evidence of the fact without proof of the number of the votes recorded in favour of or against that resolution.
- 29.2 Where a poll is demanded at a General Meeting the poll shall be taken –
- immediately in the case of a poll which relates to the election of the Chair person of the meeting or to the question of an adjournment; or
  - in any case in such manner and at such time before the close of the meeting as the Chairperson directs, and the resolution of the poll on the matter shall be deemed to be a resolution of the meeting on that matter.

## **30. SPECIAL RESOLUTION**

- 30.1 A resolution of the Society is a special resolution if –
- is passed by a majority which comprises not less than three quarters of such members of the Society, as being entitled under these rules so to do, vote by postal ballot at a General Meeting of which not less than (28) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules;
  - where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specifying in paragraph (a) the resolution is passed in a manner specified by the Commission.
- 30.2 Special resolutions and amendments to the Constitution, Rules and Regulations are only presented annually at the Annual General Meeting.

## **31. VOTING**

- 31.1 Upon any question arising at a General Meeting of the Society a member has one vote only.
- 31.2 All votes shall be given personally or by postal ballot, no member shall vote in person when a postal ballot is provided.
- 31.3 In the case if an equality of votes on a question at a General Meeting the Chairperson of the meeting is entitled to exercise a second and casting vote.
- 31.4 A member is not entitled to vote at any General Meeting of the Society unless all monies due and payable by the member to the Society has been paid other than the amount of the Annual Subscription payable in respect of the current year.



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- 31.5 Postal voting papers and envelopes marked “ballot papers only” shall be sent to all financial members with the agenda prior to the Annual General Meeting pursuant to Clause 30 (a). Envelopes shall be returned to an independent Returning Officer and carry the same name and address of the member on the reverse side. No other material is to be enclosed and the Returning Officer will present the results of the ballot in person at the Annual General Meeting.
- 31.6 Resolutions passed for voting approval by members shall be deemed approved if 75% of the members who care to vote do so on the Constitution and Model Rules.
- 31.7 Resolutions passed for voting approved by members shall be deemed to be approved if 50% of the members who care to vote do so on any of the By Laws of the Society.

### **32. INSURANCE**

- 32.1 The Society shall effect and maintain insurance pursuant to section 44 of the Act.
- 32.2 In addition to the Insurance required under Clause (1) the Society may effect and maintain other Insurance.

### **33. FUNDS - SOURCE**

- 33.1 The funds of the Society shall be derived from Annual Subscriptions of members, donations, advertising payments in the magazine, monthly activities if applicable, show entries conducted by the Society and raffles and subject to any resolution passed by the Society in a General Meeting, and such other sources as the Committee may determine.
- 33.2 All money received by the Society shall be deposited as soon as possible and without deduction to the credit of the Society’s bank account.
- 33.3 The Society shall charge fees as deemed appropriate from time to time by the Committee of Management for the following –
- (a) Annual Membership fee;
  - (b) donations;
  - (c) raffles;
  - (d) admission to show classes conducted by the Society;
  - (e) sales of promotional items;
  - (f) fee for advertisements in the Society’s magazine;
  - (g) fee for entry to monthly activities;
  - (h) fees for Foal recordings, Adult registrations, Breeding Stock recordings, Gelding registrations, transfers of sale from animals accepted into the Registry either from another Miniature Registry or the Society’s members, as well as a Registry handling fee. The said fees are determined by the Committee and subject to annual review;
  - (i) fees for classification of horse and miniatures which are acceptable into the Australian Little Horse and Miniature Breeds Association Inc Registry, the fees to be determined by the Committee and subject to annual review;
  - (j) fees for registration of a Stud Prefix on joining the Society (once only fee) and to be determined by the Committee and subject to annual review; and
  - (k) fee for nominating horse/pony in the annual auction on behalf of vendors and a commission fee on the sale of the vendor’s horse/pony.

### **34. FUNDS – MANAGEMENT**

- 34.1 Subject to any resolution passed by the Society at a General Meeting, the funds of the Society shall be used in pursuance of the objects of the Society in such manner as the Committee determines.
- 34.2 All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee being the Treasurer and Secretary or employees of the Society being members or employees authorized to do so by the Committee.



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## **35. ALTERATIONS OF OBJECTS AND RULES**

- 35.1 The statement of the objects and these rules may be altered, rescinded or added to only by a special resolution of the Society.
- 35.2 Where a special resolution of the Society is required to alter, rescind or add to any section of the Rules and Regulations of the By-Laws of the Society that does not conflict with the Model Rules a 50% majority vote is only required.

## **36. COMMON SEAL**

- 36.1 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and affixing of the Common Seal shall be attested by the signatures either of two (2) members of the Committee or one (1) member of the Committee and of the Public Officer or Secretary.
- 36.2 The Common Seal shall be affixed to all Society official paperwork (Bank accounts, Registry paperwork).

## **37. CUSTODY OF THE BOOKS**

- 37.1 Except as otherwise provided by the Rules the Public Officer shall keep in his/hers custody or under his/hers control all records, books and other documents relating to the Society.

## **38. INSPECTION OF BOOKS ETC**

- 38.1 The records, books and other documents of the Society shall be open to inspection free of charge to the members of the Society at any reasonable hour with prior notice.

## **39. SERVICE OF NOTICES**

- 39.1 For the purpose of these Rules a notice may be served on behalf of the Society upon any member either personally or by sending it by post to the members address in the Registry of members.
- 39.2 Where a document is sent to a person by properly addressing, prepaying and posting the to the person a letter containing the document, this document unless the contrary be deemed for the purpose of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of the post.

## **40. SURPLUS PROPERTY**

- 40.1 At the first General Meeting of the Society, the Society shall pass a special resolution nominating an Incorporation Society as the Society in which to invest its surplus property pursuant to section 53 (2) of the Act in the event of the winding up or cancellation of the Incorporation of the Society.
- 40.2 The Incorporation Society so nominated shall be one which fulfils the requirements specified in section 53 (2) (a) & (b) of the Act.

## **41 A RECIPIENT OF SURPLUS PROPERTY**

- 41.1 Shall be The Animal Welfare League or Horse Rescue Society or similar.

## **42. PROPERTY OF AUSTRALIAN LITTLE HORSE & MINIATURE BREEDS ASSOCIATION INC**

- 42.1 All documents including records, data, computer programs, software, cash books, receipt books and any other materials etc used to record Society business, memberships, automatically become the property of the Australian Little Horse & Miniature Breeds Association Inc unless proper exemption is given with the



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approval of 75% of the financial members at a Special or Annual General Meeting and approval to be given by postal vote.

- 42.2 Where the Rules of the Society are precise and legal advice is sought by a member to bring pressure on the Society, unless the action involves the Society in litigation which becomes a different situation, then the member is dispute if automatically.
- 42.3 Responsible to the Society for all costs incurred in research, letter writing, postage, stationary, fax messages, phone calls and traveling expenses, a minimum charge of A\$100 will be the cost to the member together with the Society's Solicitor's fees.

END

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